

CITY OF ALAMO HEIGHTS
CITY COUNCIL
January 11, 2010

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, January 11, 2010.

Present and composing a quorum were:

Mayor Louis Cooper
Mayor Pro-Tempore Susan Harwell
Councilmember Stan McCormick
Councilmember Bobby Rosenthal
Councilmember Jill Souter

Also attending were:

City Manager Ann Benson McGlone
Assistant City Manager/Public Works Director Shawn P. Eddy
City Attorney Mike Brenan
Communication/IT Manager Marian Ramirez
Finance Director Cynthia Barr
Community Development Director Brian Chandler
Human Resource Manager/Deputy City Secretary Judith E. Surratt
City Secretary Jennifer Reyna
Fire Chief Bill Hagendorf
Police Chief Rick Pruitt

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Mayor Louis Cooper called the meeting to order at 5: 36 p.m.

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Mayor Cooper asked City Council for any corrections to the minutes of the December 14, 2009, City Council Meeting. A motion was made by Councilmember Stan McCormick to approve the minutes of December 14, 2009. The motion was seconded by Councilmember Bobby Rosenthal and passed by 4 ayes and 0 nays.

Item # 2 City Manager's Report

Item 2b was presented first, following were Items 2a, 2c and 2d.

a. City of Alamo Heights Food Drive

Communication/IT Manager Marian Ramirez thanked city employees and residents for the generous donations to the first City Employee Annual Food Drive in support of the San Antonio Food Bank. More than 400 pounds of canned goods along with \$280.00 in cash were delivered to the San Antonio Food Bank before the Christmas holiday.

Ms. Ramirez elaborated saying that the food drive afforded City employees an opportunity to give back to the community especially at a time when there is such a great demand on the San Antonio Food Bank. She added that the \$280.00 cash donations fed up to 1,800 individuals. Ms. Ramirez concluded by saying the City hopes to continue the program next year with even bigger and better results.

Councilmember Souter commented that residents had expressed to her their appreciation of staff for the idea of giving back to the community.

b. Holiday Thanks

Communication/IT Manager Marian Ramirez thanked the many residents who took time during the busy holiday season to deliver delicious cookies, candy and other goodies for City employees. Ms. Ramirez expressed that the staff was appreciative of the generosity and holiday greetings.

On behalf of the Police and Fire Department, Ms. Ramirez thanked the community for the holiday dinners that were provided on Christmas Eve, Christmas Day and New Year's Day.

c. Community Gardens

Community Development Director Brian Chandler announced that in response to residents' requests, the City will assemble a Community Gardens Committee. The committee will work with the Green Space Alliance to potentially obtain grants for funding. He added that selecting a location would be one of the first assignments of the committee. If you are interested in participating in a community garden, please contact Mr. Chandler at (210) 832-2250 or via email, bchandler@alamoheightstx.gov.

d. Fire Department training update

Fire Chief Bill Hagendorf provided an update and explained the recently completed Fire Department training to include Driver Operator, Fire Officer 1 and 2, and Fire Inspector Certifications.

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Citizens To Be Heard Concerning Non-Agenda Items

Donald Starkweather, 225 Albany Street, distributed a letter to City Council. He provided a brief history of the alley located directly behind his residence and opposed the modification plans at 120 Redwood, which included the surfacing of the entry to the alley. Mr. Starkweather briefly spoke of the current flooding issues his property has due to the structural changes already made at 120 Redwood.

Margaret Spencer, 140 Patterson Avenue, asked about the height of a structure and the bottom of the foundation related to the permit calculation process.

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Items for Individual Consideration

Item # 4 Mayor Cooper read the following caption.

A request for a Demolition permit for 737 Corona Avenue by Chris and Susan Heinemeyer, owner, represented by Peter DeWitt, AIA of DeWitt Architects, to modify the roof of an existing one-story single family residence on a property zoned Single Family – A

Community Development Director Brian Chandler made a PowerPoint presentation which included photos, existing and proposed site plans, and elevations. Staff recommended approval.

Mayor Pro Tem Susan Harwell asked about the variance that was granted. Mr. Chandler explained that the roof overhang exceeded the existing 24 inches into the setback and therefore required a variance approval.

No written or electronic communications had been received.

A motion for approval was made by Councilmember Rosenthal. The motion was seconded by Mayor Pro Tem Harwell. The motion passed by unanimous vote.

Item # 5 Mayor Cooper read the following caption.

A request for a demolition permit for 321 W. Castano Avenue by Kirsten Silberschlag, owner, represented by Peter DeWitt, AIA of DeWitt Architects, to demolish the existing single-story detached one-car garage for the purpose of constructing a new two-story detached two-car garage on a property zoned Single Family - A

Community Development Director Brian Chandler made a PowerPoint presentation that included photos, existing and proposed site plans, and elevations. Staff recommended approval.

This project did not require any variances.

There was discussion among the City Council regarding the roof slope. Peter DeWitt, architect, informed City Council of the proposed shed roof structure and its high side of 20 feet located to the interior of the property. The side abutting the neighboring property would be 14 feet.

Mayor Pro Tem Harwell inquired about the garage's layout. Mr. DeWitt responded that the owners were concerned with maintaining the trees on the property, so that the proposed plan had tandem parking.

A letter in opposition to the demolition permit was received from Patricia McCorkle. Mayor Cooper asked if there was communication with the neighbors or with Ms. McCorkle. Mr. DeWitt stated that a letter was sent to Ms. McCorkle who is a resident of Terrell Hills and Ms. McCorkle's property is currently vacant and has been for some time.

A motion for approval was made by Mayor Pro Tem Harwell. The motion was seconded by Councilmember Rosenthal and passed by unanimous vote.

Item # 6 Mayor Cooper read the following caption.

A request for a license to encroach on the City Right-Of-Way at 862 Estes Avenue submitted by Richard Kleberg, for a period of five (5) years for the purpose of enclosing an area of 1,139 sq. ft. along Estes Avenue with a 3 ft. wrought iron fence on a property zoned Single Family – A

Community Development Director Brian Chandler made a PowerPoint presentation that included photos, existing and proposed site plans, and elevations. Staff recommended approval.

Councilmember McCormick asked if any communications were received and expressed concern on the permit value. He requested staff to communicate with the Bexar Appraisal District on the impact a permit value may have on the tax appraisal value. Building Official Nathan Lester responded to Councilmember McCormick that John Bloodsworth, resident, supported the license request.

Councilmember Rosenthal asked if the license was transferrable. City Attorney Mike Brennan responded that the license was not transferrable and if the owner moved, the new owner would have to apply for a license.

Patricia Evans, 140 Patterson Avenue, asked if the license renewal required a new fee.

Councilmember Rosenthal responded to Ms. Evans that a new fee was applicable to a license renewal.

A motion for approval was made by Councilmember Stan McCormick. The motion was seconded by Councilmember Jill Souter and passed by unanimous vote.

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Staff Reports

Item # 7 Mayor Cooper read the following caption.

A briefing for the adoption of revisions to Chapter 5 of the Alamo Heights Code of Ordinances titled Buildings and Building Regulations

Community Development Director Brian Chandler presented a PowerPoint presentation that included an overview of Chapter 5, public input process, summary of proposed code and fee changes.

Mr. Chandler presented information of the proposed new article "Drainage" to be included in Chapter 5 and summarized the proposed code changes. Councilmember McCormick emphasized the new article "Drainage" would need to include consideration of every aspect or situation. Mayor Cooper added that the new article needs to be prepared to handle reality situations, as referenced to Mr. Starkweather's circumstance. Councilmembers asked if the new article "Drainage" was located in the appropriate place within the Code of Ordinances. City Manager Ann McGlone stated the new article is appropriate to be included in Chapter 5 because it is part of building regulations.

The demolition process and tree preservation were also reviewed by Mr. Chandler. Related to tree preservation, Mayor Cooper asked if the tree mitigation could not be accommodated what are other options are proposed for the applicant. Mr. Chandler stated that a tree may be donated for a public right-of-way location.

There was a discussion among the City Council about the food establishment fees. Councilmember Rosenthal noted the graph on comparison to other cities. Councilmember McCormick asked what the food establishment fees contribute to. City Manager Ann McGlone stated the fees contribute to the costs the city incurs with the hiring of a licensed food inspector among other services. Ms. McGlone emphasized that the importance of a licensed food inspector is to inspect all food establishments for the safety of all. Mayor Cooper stated the current and proposed food establishment fees should be reconsidered because of the proposed increased fees and the size of a company with minimal number of employees. Ms. McGlone suggested keeping the current food establishments fees and considering the fees again during budget preparation.

Mr. Chandler informed City Council of the public input process and the communication received. He stated there was a public meeting for business owners on January 7th to obtain feedback, but only one business person was in attendance. Letters were received from Pruyn Hildebrand and the Chairman of the Planning and Zoning Commission, regarding Chapter 5 revisions. Ms. Hildebrand opposed the revisions. Lori Becknell, Chairman of the Planning and Zoning Commission, supported the revisions and emphasized the importance of establishing green building standards within Chapter 5.

The following citizens spoke on this matter:

John Hertz, 316 Harrison Avenue, expressed concerns on the issue of demolitions and that the public was not provided ample time of the public hearing or council consideration. He is supportive of language regarding the deconstruction of building structures being added.

Peter DeWitt, 136 Harrison Avenue, stated he met with Mr. Chandler regarding Chapter 5 revisions. Mr. DeWitt is supportive of the new article "Drainage" and expressed it is in the appropriate chapter of the Code of Ordinances. He stated there is a need to

quantify and then residents and business owners will understand. Mr. DeWitt noted that permit fees were higher for residential and commercial owners in the proposed revisions.

Mr. Chandler acknowledged Nathan Lester, Building Official, for the research and writing he had done with Chapter 5. Councilmember McCormick complimented City staff for their hard work as well.

Councilmember Souter stated she has met with citizens that include John Hertz and Peter DeWitt. She commented that at the time of council consideration, she will amend the motion to include establishing a Task Force to reach out to the neighborhood and support green house standards.

Mayor Pro Tem Harwell commented on the environment that is left behind when construction is completed. She expressed concern based on the feedback she has received from residents that include: clean and tidy working areas, parking, noise, neglected materials that are left on the work site and the lack of good manners. She stated there is also dirt that is left behind on curbs and on streets. Mr. Chandler responded that Chapter 5 has a section labeled Miscellaneous and it addresses the mentioned concerns.

City Council agreed for the item to return to the Neighborhood and Commercial Revitalization Committee prior to the January 25th City Council Meeting. Councilmember Rosenthal suggested staff and committee to focus on business owner contact.

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Closed Session

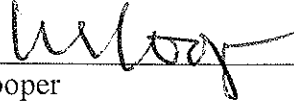
At 7:47 p.m., Mayor Cooper adjourned the regular City Council meeting to conduct a closed meeting as authorized by Section 551.071 of the Texas Government Code to consult with the City's Attorneys concerning pending litigation Alamo Heights Neighborhood Committee et al v. City of Alamo Heights et al and a closed session as authorized by Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property.

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Mayor Cooper reconvened the regular meeting at 9:38 p.m. There was no action taken during the closed session.

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There being no further business, a motion was made by Mayor Pro Tem Harwell to adjourn the meeting. Motion was seconded by Councilmember Souter and passed by unanimous vote. Mayor Cooper adjourned the meeting at 9:39 p.m.



Louis Cooper
Mayor



Jennifer Reyna, TRMC
City Secretary